APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,248	02/26/2002	David D. Rowley	062070-0311777	1772

909   7590   01/10/2008
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EXAMINER
SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/082,248	ROWLEY ET AL.
		Examiner	Art Unit	
		Kristie D. Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 October 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>27-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>27-45</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments
Claims 1-26 are cancelled.
Claims 27, 32, 36, 41 and 42 have been amended.

Claims 27-45 are pending examination.

Response to Arguments

I.   Applicant's arguments with respect to claims 27, 32, 36 and 42 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

II.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

III.   Claims 27, 29-40 and 42-45 are rejected under 35 U.S.C. 102(e) as being anticipated
by *Rowley et al* (US 6,941,105).

a.   **Per claims 27, 36 and 42** (differ only by statutory subject matter), *Rowley et al*

teach a computer implemented method for enabling a user to perform an exercise remotely using

a client system, the method comprising:

- storing in a course database course information including a list of exercises, and for a given exercise one or more virtual machines associated with the exercise (*Abstract, col.1 line 47-col.2 line 20, col.4 lines 30-35—database stores course information with lists of exercises and associated virtual machine*);

- receiving a request to connect to a remote server from the user (*Abstract, col.2 lines 61-65*);

- accessing the course database to determine one or more courses associated with the user (*col.2 lines 65-67*);

- transmitting a list of courses associated with the user to the client system (*col.2 line 67-col.3 line 5, col.6 lines 35-52*);

- receiving a selection of at least one of the courses in the course list from the user (*col.2 line 41, col.3 lines 1-2*);

- accessing the course database to determine the one or more exercises associated with the selected course (*col.3 lines 3-5, col.6 lines 35-41*);

- transmitting a list of exercises, associated with the selected course to the client system (*col.6 lines 40-41 and 59-67*);

- receiving a selection of at least one of the exercises in the transmitted exercise list from the user (*Abstract, col.3 lines 1-13*);

- accessing the course database to determine at least one virtual machine associated with the selected exercise (*Abstract, col.1 line 63-col.2 line 4*);

- launching the virtual machine associated with the selected exercise, wherein the launched virtual machine generates a user interface for performing the selected exercise (*Abstract, col.1 lines 49-62*);

- transmitting a view of the user interface to the client system, wherein the user performs the selected exercise by remotely interacting with the virtual machine via the view of the user interface (*Abstract, col.5 line 52-col.6 line 31, col.6 line 59-col.7 line 11, col.7 lines 16-20*).

b.   **Claim 32** contains limitations that are substantially similar to claims 27, 36 and 42 and are therefore rejected under the same basis.

c.   **Per claim 29**, *Rowley et al* teach the method of claim 27, further comprising: transmitting a page to the client system, the page including at least one selectable user interface element associated with the launched virtual machine; and receiving a selection of the at least one user interface element from the user (*Abstract, col.5 line 52-col.6 line 31, col.6 line 59-col.7 line 11, col.7 lines 16-20*).

d.   **Claims 33, 39 and 43** are substantially similar to claim 29 and are therefore rejected under the same basis.

e.   **Per claim 30**, *Rowley et al* teach the method of claim 29, further comprising generating the view of the user interface in response to receiving the selection of the user interface element (*Abstract, col.5 line 52-col.6 line 31, col.6 line 59-col.7 line 11, col.7 lines 16-2*).

f.   **Claims 34 and 44** are substantially similar to claim 30 and are therefore rejected under the same basis

g.   **Per claim 31**, *Rowley et al* teach the method of claim 27, further comprising launching a remote display server to handle a session with a viewer application at the client system, the viewer application displaying the view of the user interface to the user, the remote display server refreshing the view in response to the user interacting with the view of the user interface during the session (*col.4 line 5-col.5 line 15*).

h.   **Claims 35 and 45** are substantially equivalent to claim 31 and are therefore rejected under the same basis.

i.   **Per claim 37,** *Rowley et al* teach the method of claim 36, further comprising at least one computer on which the selected course is installed, wherein the virtual machine platform running the launched virtual machine is associated with the at least one computer (*col.5 line 43-col.6 line 48*).

j.   **Per claim 38,** *Rowley et al* teach the method of claim 36, wherein the system is further operable to access the course database to determine the virtual machine associated with the selected course (*col.5 lines 26-40, col.6 lines 1-18*).

k.   **Claim 40** is substantially similar to claims 30 and 31 and is therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

IV.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

V.   <u>**Claims 28 and 41**</u> **are rejected under 35 U.S.C. 103(a) as being unpatentable over** *Rowley et al* **(US 6,941,105) in view of** *Johnston et al* **(US 2002/0103882).**

l.   **Per claim 28,** *Rowley et al* teach the method of claim 27, as applied above, and further teaches a client system that displays the course and exercise information transmitted from the exercise loader module *(col.1 lines 49-62, col.3 lines 1-16)*, yet fail to explicitly teach wherein the client system comprises a web browser and a viewer application for displaying the view of the user interface. However, *Johnston et al* teach that the client system comprises a web browser for interfacing with the virtual machines *(page 5 paragraph 0056)*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Rowley et al* and *Johnston et al* for the purpose of providing a client system with a web browser and viewer for interfacing with the virtual machines, because doing so gives the user an interactive communication medium for accessing exercises in one or more simultaneous execution environments over the Internet thus allowing a browser/interface for receiving the users' input in the virtual environment.

m.   **Per claim 41,** *Rowley et al* teach the method of claim 36, as applied above, and further teaches a virtual machine launcher configured to register virtual machines with identifiers and data associating the virtual machine with the course exercises *(col.4 lines 55-63)*; yet *Rowley et al* fail to explicitly teach the configuration information including a port number for the remote display server to accept session connections. However *Johnston et al* further teach wherein the configuration information including a unique identifier for the virtual machine launcher and a port number for the remote display server to accept session connections, the course information including a list of courses associated with the virtual machine launcher *(page 4 paragraphs0044-*

0049, page 5 paragraph 0064, page 6 paragraphs 0067 and 0070-0073). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Rowley et al* and *Johnston et al* for the purpose of providing configuration information that registers the identifier, port number and courses associated with the virtual machines, in order to maintain data specific to each virtual machine.

Conclusion

VI.   The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Ceretta et al (6370355), Slider et al (6505031), Shende et al (6341212), Oh (6190178).

VII.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL.**   See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.
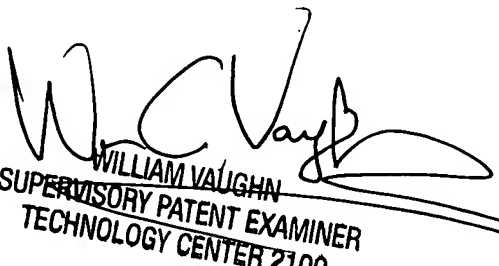
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D. Shingles
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